EXHIBIT 3

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VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

February 22, 2016

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CT Corporation System
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Re: Notice of Intent to Sue under the Imminent and Substantial Endangerment Provision of the Resource Conservation and Recovery Act, 42 U.S.C. § 6972(a)(1)(B)

Dear Mr. Casella and Ms. Markham,

Please be advised that I represent forty families who reside in Charlton, MA, in close proximity to the Southbridge Recycling and Disposal Park ("Landfill"), of 165 Barefoot Road, Southbridge, MA.[1] The families reside on four streets situated around the northern end of the Landfill: H. Foote Road, Eleanor Lane, Berry Corner Road, and Ten Schoolhouse Road. They have retained my law firm to represent them in an effort to stop and prevent the Landfill's odor, noise, and groundwater pollution of their properties, and to obtain compensation for the damage that such pollution is causing them.

[1] A list of my clients' names, addresses, and telephone numbers is attached to this Notice as Addendum A, and is incorporated by reference herein.

The purpose of this letter is to notify you of my clients' intention to file a federal lawsuit against Casella Waste Services, Inc. ("Casella") and its subsidiary Southbridge Recycling & Disposal Park, Inc. ("SRDP") under the imminent and substantial endangerment provision of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972(a)(1)(B). Under this provision of RCRA, "any person may commence a civil action on his own behalf against any person ... including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed to or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment." Casella, in its role as operator of the Landfill and as a transporter of waste to the Landfill, and SRDP, in its role as operator of the Landfill,[2] have contributed to and are contributing to the past or present handling, storage, treatment, transportation, and disposal of solid or hazardous waste that is causing, or threatens to cause, the contamination of my clients' private wells with toxic chemicals and metals.[3]

In the past eighteen months, as Casella/SRDP is aware, five of my clients' wells have tested above regulatory standards or guidelines for the hazardous volatile organic compounds ("VOCs") 1,4-dioxane, trichloroethene ("TCE"), or 1,1-dichloroethene ("1,1-DCE"). All told, twenty-one of my clients' wells have been found to contain a hazardous VOC during this period.[4] Another client's well has been found to contain arsenic at a concentration more than six times the regulatory standard. Casella/SRDP's initial response to these contaminations was to obscure and minimize them. More recently, as the contaminations have multiplied—and as Casella/SRDP has sought state approval for an expansion of the Landfill—Casella/SRDP has changed tack. It now denies outright that the Landfill is contaminating my clients' wells, notwithstanding the fact that 1,4-dioxane is regularly found in monitoring wells at the Landfill, and notwithstanding the fact that no other known source of 1,4-dioxane groundwater contamination exists in the area. Casella/SRDP's incredible denials, articulated in comments by its consultants to the Massachusetts Department of Environmental Protection ("MassDEP") and the Charlton Board of Health ("BOH"), have been replete with misrepresentations concerning groundwater flow and groundwater monitoring data at the Landfill. Currently, those same consultants are engaged in a hydrogeological study of the Landfill area, one ostensibly designed to determine whether the Landfill is the contamination source.

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[2] Since it was acquired by Casella in 2003, SRDP (then named Wood Recycling, Inc.) appears to have existed in name only, as an alter ego of Casella. Casella is thus derivatively liable for any acts performed in the name of SRDP, as well as directly liable for Casella's actual operation of the Landfill. Reflecting the apparently indistinguishable nature of Casella and SRDP, the two companies will be referred to jointly herein as "Casella/SRDP."

[3] The Town of Southbridge is also liable under RCRA for contributing to the contamination, as owner and past operator of the Landfill. The Town is being sent a separate Notice of Intent to Sue, a copy of which is enclosed with this Notice.

[4] A list of these clients, including the contaminants found in their wells, is attached to this Notice as Addendum B, and is incorporated by reference herein. This list may not be exhaustive, as past and present detections of contaminants in my clients' wells are still being revealed by Casella/SRDP's consultants at the time that this letter is written.

Notable events in the contamination of my clients' wells during the past eighteen months, and in Casella/SRDP's shifting and disingenuous response to the contamination, include the following:

- In September of 2014, Casella/SRDP's triennial testing[5] of the well water of my clients Martha and Kenneth Bergstrom (75 H. Foote Road) and Darrick and Sara Roe (70 H. Foote Road) revealed the presence of 1,4-dioxane at levels of .86 µg/L and .62 µg/L, respectively. The Massachusetts Groundwater Protection Standard for sources of drinking water ("GW-1 standard") for 1,4-dioxane is .3 µg/L,[6] as is the Massachusetts Drinking Water Guideline. According to the United States Environmental Protection Agency ("EPA"), 1,4-dioxane is a probable human carcinogen, with the potential to cause liver and nasal cancer. It also may cause neurological damage and non-cancer damage to the liver and kidneys.

  Pursuant to the Massachusetts Contingency Plan, 310 CMR 40.0000 *et seq.*, having detected 1,4-dioxane in my clients' wells at a level exceeding the GW-1 standard, Casella/SRDP was required to report the exceedances to MassDEP within two hours, and thereafter conduct an Immediate Response Action ("IRA"). *See* 310 CMR 40.0311(6), 40.0412(1). An IRA must, at a minimum, involve an assessment of the degree of hazard posed by the hazardous substance(s) in question, taking into account the sensitivity of the site and surrounding human and environmental receptors. *See* 310 CMR 40.0414(1). Furthermore, an IRA is presumed to require containment or removal of the hazardous substance(s). *See* 310 CMR 40.0414(2).

  A search through MassDEP's online database of reportable hazardous waste releases[7] reveals no Release Tracking Number ("RTN") concerning the 2014 detections of 1,4-dioxane in the Bergstrom and Roe wells. It appears that Casella/SRDP did not report these contaminations to MassDEP, and did not conduct an IRA as required.

  Also detected in the Bergstrom well in September of 2014 were numerous hazardous chlorinated VOCs ("CVOCs"), including TCE, 1,1-DCE, 1,1-dichloroethane ("1,1-DCA"), cis-1,2-dichloroethene ("cis-1,2-DCE"), and chlorobenzene. TCE is a human carcinogen. Exposure to TCE is associated with an increased risk of kidney, liver, cervical, and lymphatic cancer, among other cancers. TCE may also cause non-cancer damage to the liver and kidneys. The Massachusetts Maximum Contaminant Level ("MMCL") for drinking water for TCE is 5 µg/L, as is the GW-1 standard. The TCE in the Bergstrom well was measured at 3.9 µg/L. In a letter to the Bergstroms dated December 15, 2014, Casella/SRDP characterized 3.9 µg/L—nearly

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[5] Pursuant to a MassDEP mandate, Casella/SRDP has been testing certain residential wells within one half-mile of the Landfill's perimeter on a triennial basis.

[6] The GW-1 standard for 1,4-dioxane was lowered to .3 µg/L by MassDEP in June of 2014.

[7] http://public.dep.state.ma.us/SearchableSites2/Search.aspx (viewed February 14, 2016).

80% of the MMCL, and nearly 8 times the testing laboratory's reporting limit of .5 µg/L—as a "trace" amount.[8]

- In September of 2014, Casella/SRDP's triennial testing of the well water of my clients Kenneth and Ellen Rauktis (98 H. Foote Road) revealed the presence of arsenic at 63 µg/L. The MMCL for arsenic is 10 µg/L, as is the GW-1 standard. Arsenic is a human carcinogen. Exposure to arsenic is associated with an increased risk of lung, bladder, skin, kidney, and prostate cancer.

  In a letter dated December 16, 2014, Casella/SRDP informed the Rauktises of their well's arsenic exceedance. Casella/SRDP assured the Rauktises that the 630% exceedance was "likely due to naturally occurring background levels of the metal which naturally occur in the groundwater of portions of Central Massachusetts." Casella/SRDP did not inform the Rauktises what it had determined the background level of arsenic at the Landfill to be, though Casella/SRDP must by law make this determination. *See* 310 CMR 19.132 (2)(c); 40 CFR § 258.51(a)(1).[9]

- On March 31, 2015, pursuant to the Massachusetts Environmental Policy Act[10] ("MEPA"), Casella/SRDP's consultant Epsilon Associates, Inc. submitted to the Massachusetts Executive Office of Energy and Environmental Affairs ("EOEEA") an Environmental Notification Form ("ENF"). In the ENF, Casella/SRDP announced its plan for a major expansion of the Landfill, one designed to extend its operational life until 2027. The plan involved four phases. Pursuant to 301 CMR 11.11(4), Casella/SRDP sought from EOEEA a waiver of the MEPA review process for Phase 1 of its plan, claiming that the Landfill would run out of operational space before the MEPA process was finished. Phase 1 involved a 4.38-acre expansion on the east/northeast side of the Landfill (the H. Foote Road and Eleanor Lane side) and a 2.23-acre expansion on the Landfill's northwest side (the Berry Corner Road side).

  A section of the ENF titled "Massachusetts Contingency Plan" asks the notifying party whether it is aware of any Reportable Conditions at the property that have not yet been assigned an RTN. Notwithstanding the

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[8] Casella/SRDP had been detecting these CVOCs in the Bergstrom well in two prior rounds of sampling, in 2008 and 2011. The levels of each contaminant had been rising—for example, TCE went from .64 µg/L in 2008 to 1.4 µg/L in 2011 to 3.9 µg/L in 2014. In its letter accompanying the 2014 test results, Casella/SRDP did not inform the Bergstroms that the contaminant levels in their well had been rising.

[9] Casella/SRDP's claim that 63 µg/L is consistent with naturally occurring background levels of arsenic in the area is belied by the arsenic levels detected in my other clients' wells. Most of the wells have tested well below 10 µg/L.

[10] M.G.L. c. 30, §§ 61-62I.

September 2014 exceedances of 1,4-dioxane in the Bergstrom and Roe wells, Casella/SRDP's consultant checked "No" to this question.[11]

- In September of 2015, Casella/SRDP's triennial testing of the well water of my clients Joseph Bialy (65 H. Foote Road), Wilfrid and Wendy Gallien (74 H. Foote Road) and Ann and Richard Burns (81 H. Foote Road) revealed the presence of 1,4-dioxane at levels of 1.5 µg/L, .82 µg/L, and .43 µg/L, respectively. As mentioned above, the Massachusetts Drinking Water Guideline for 1,4-dioxane is .3 µg/L, as is the GW-1 standard. In a subsequent test of the Bialy well, on October 28, 2015, 1,4-dioxane was detected at a level of 2.7 µg/L.

  Casella/SRDP's September 2015 testing of the Bialy and Burns wells also revealed extensive CVOC contamination. In each of the wells, TCE, 1,1-DCE, 1,1-DCA, cis-1,2-DCE, and chlorobenzene were detected. In the Bialy well, both TCE and 1,1-DCE exceeded the MMCL and GW-1 standard—TCE at 12 µg/L, 1,1-DCE at 9 µg/L.[12,13,14]

- On October 23, 2015, pursuant to 310 CMR 40.0311(6), Casella/SRDP notified MassDEP of the Bialy, Gallien, and Burns well contaminations. MassDEP gave verbal approval to Casella/SRDP to conduct an IRA involving, inter alia, immediate notification of the contaminations to the affected families and the Charlton BOH; immediate provision of bottled water to any families with detections of CVOCs or 1,4-dioxane; and identification and sampling of all private drinking water wells within 500 feet of any detection of CVOCs or 1,4-dioxane.

- On November 3, 2015, Casella/SRDP's Landfill Site Manager, Tracy Markham, appeared before the Charlton BOH to answer questions about the recent contaminations. Accompanying Markham was Casella/SRDP's consultant Nicole D. Roy, P.G., of Sanborn, Head & Associates, Inc.. Roy

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[11] The Secretary of EOEEA, Matthew A. Beaton, ultimately denied Casella/SRDP's request for a Phase 1 waiver, on May 29, 2015. There is no indication in the Secretary's Certificate denying the waiver request that he was aware of the 2014 Bergstrom and Roe exceedances. There is also no indication in MassDEP CERO's comment letter to the Secretary regarding the waiver request (from Regional Director Lee Dillard Adams, dated May 28, 2015) that MassDEP was aware of the Bergstrom and Roe exceedances.

[12] The MMCL and GW-1 Standard for 1,1-DCE is 7 µg/L. According to the EPA, 1,1-DCE is a possible human carcinogen.

[13] In a subsequent test of the Bialy well, on October 28, 2015, 1,1-DCE was detected at 11 µg/L. TCE remained at 12 µg/L.

[14] Casella/SRDP had been detecting these CVOCs in the Burns well in two prior rounds of sampling, in 2009 and 2012. The levels of each contaminant have been rising—for example, TCE went from .7 µg/L in 2009 to 2 µg/L in 2012 to 2.6 µg/L in 2015. In its letters (through its consultants Geosyntec and Tighe & Bond) accompanying these test results, Casella/SRDP has never informed the Burns family that the contaminant levels in their well have been rising. In the 2009 and 2013 letters (the latter, accompanying results from the September 2012 sampling), Casella/SRDP did not alert the Burns family to the fact that CVOCs were present in their well at all.

presented a map showing that, with the additional round of IRA sampling, twenty-one private wells located on four roads around the northern end of the Landfill—H. Foote Road, Eleanor Lane, Berry Corner Road, and Ten Schoolhouse Road—had now been found to contain a CVOC or 1,4-dioxane (or both) at some point.[15]

Markham and Roy proceeded to tell the BOH that the Landfill was not, in their view, the contamination source.[16] Roy declared that, whereas the contaminated wells were to the northeast of the Landfill—Roy ignored the contaminations to the northwest and north of the Landfill, on Berry Corner Road and Ten Schoolhouse Road—"groundwater flow [at the Landfill] is to the west." According to Roy, "all of the data"—data compiled since the mid-1990s—supported this proposition. On Roy's map of the area, "Groundwater flow direction near landfill" was indicated by three westward-pointing arrows.

Later during the same BOH meeting, a gentleman in the audience rose and pointed out that, in 2012, Casella/SRDP's consultant Tighe & Bond had authored a report stating that groundwater at the Landfill in fact flowed *both* west and east. The gentleman was correct. In that report, a draft of which is dated November 1, 2012,[17] Tighe & Bond's Jeffery J. Thelen, P.G., stated that "groundwater flow is primarily to the west across the Southbridge Landfill site but includes an easterly component along the eastern perimeter of the landfill." Thelen continued, "in the vicinity of monitoring well MW-9 an eastward flow direction is inferred indicating groundwater flow along the eastern edge of the site to wetlands located immediately east of the Landfill." MW-9 is on the northeast side of the Landfill, between the Landfill and the contaminated homes on H. Foote Road and Eleanor Lane.

Neither Markham nor Roy had any response to the gentleman's comment.

Roy was asked by the chair of the BOH whether Casella/SRDP had identified any rising trends in the contaminant levels in the affected wells. Roy avoided the question, responding that "trends are very difficult with the

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[15] At this point, Casella/SRDP evidently had not conceived its current position that a "J-qualified" detection may not constitute a reliable detection of a contaminant. Casella/SRDP's consultants Tighe & Bond have since been taking this position in their letters to my clients who have J-qualified detections. The letters falsely suggest that the estimated nature of a J-qualified detection raises doubt as to whether the contaminant is present at all. There is no such suggestion in Tighe & Bond's quarterly letters to MassDEP regarding the Landfill's groundwater monitoring results, in which Tighe & Bond characterizes J-qualified 1,4-dioxane detections simply as detections.

[16] Markham also told the BOH that there had been a total of four historical exceedances of VOC regulatory standards on H. Foote Road—three in 2015, and one in 2014. This was false. As discussed *supra*, both the Bergstrom (75 H. Foote Road) and Roe (70 H. Foote Road) wells had had 1,4-dioxane exceedances in September of 2014.

[17] The final version of Thelen's report is dated April 30, 2013. MassDEP had ordered the report in response to a rising trend of heavy metal exceedances—including chromium, lead, and arsenic—in monitoring wells on the west side of the Landfill.

data that's been collected to date because [] the samples have been collected once every three years." Roy did not reveal that the CVOCs in the Bergstrom and Burns wells, including TCE, had risen over three triennial rounds of sampling. *See* nn.8 & 14, *supra*.

- On November 4, 2015, Casella/SRDP filed a Memorandum with MassDEP elaborating on its defense. The Memorandum was drafted by Roy and her Sanborn Head colleague Matt Heil, P.E., LSP. Perhaps enlightened by the gentleman's observation the night before, Roy and Heil allowed in their Memorandum that groundwater at the Landfill did, in fact, flow partly eastward.

  Having discarded the main premise of Casella/SRDP's theory, as articulated the previous evening, Roy and Heil put forth another fiction. They stated that "1,4-dioxane … ha[d] not been detected in monitoring wells (or surface water) located east/northeast of the landfill (e.g., MW-9/MW-9B, MW-5-2/ MW-10BR, S-3, S-5, S-6) between the landfill and H. Foote Road"; rather, according to Roy and Heil, "detections of 1,4-dioxane at the landfill are limited to monitoring wells downgradient (west) of the landfill, furthest from the H. Foote Road residences." From this, Roy and Heil deduced that the Landfill's 1,4-dioxane was headed westward, and that the 1,4-dioxane on H. Foote Road came from another source.[18]

  Roy and Heil's claim that 1,4-dioxane has only been detected in the Landfill's west-side monitoring wells is false. An attachment to their own Memorandum is an aerial view of the Landfill showing quarterly contaminant data for the Landfill's monitoring wells between the fourth quarter of 2013 and the third quarter of 2014. MW-5-2 and MW-10BR are coupled together on the Landfill's eastern side. In MW-5-2, 1,4-dioxane was detected in three of the four quarters; in MW-10BR, 1,4-dioxane was detected in one of the quarters.[19]

- On November 25, 2015, on behalf of Casella/SRDP, Sanborn Head filed with MassDEP a "Residential Well Groundwater Investigation Work Plan," in which Roy and her colleague Matthew R. Poirier outlined the steps that Sanborn Head would take to confirm their theory that the Landfill's pollutants were flowing solely westward. Roy and Poirier began by stating the bases for their theory. As in the November 4th Memorandum, they posited falsely that "1,4-dioxane ha[d] not been detected historically in

[18] Again, Roy and Heil simply ignored the Berry Corner Road and Ten Schoolhouse Road contaminations, perhaps because the monitoring well couplet between the Landfill and those roads—MW-8SR and MW-8BR—had contained 1,4-dioxane in seven of eight quarters since being drilled in 2013.

[19] The Landfill's quarterly groundwater monitoring reports show that 1,4-dioxane was also detected in MW-5-2 in the third and fourth quarters of 2015, and in MW-10BR in the second quarter of 2015. In the fourth quarter of 2015, on December 15, 2015, 1,4-dioxane was detected in MW-5-2 at a concentration of .45 µg/L.

overburden or shallow bedrock groundwater monitoring wells located east/northeast of the landfill closest to H. Foote Road." They then stated that "[i]n general, available data from landfill monitoring wells and surface water indicate that overburden and shallow bedrock groundwater flows predominantly to the west/northwest, and away from H. Foote Road." Roy and Poirier did not mention that on the eastern side of the Landfill, groundwater flowed to the east/northeast, toward H. Foote Road.

Having again demonstrated Sanborn Head's disposition to misrepresent the known facts regarding groundwater flow and contamination at the Landfill, Roy and Poirier proceeded to set forth Sanborn Head's investigatory plan. The plan is estimated to take four months. It involves the drilling of several ("up to five") bedrock boreholes roughly 400 feet apart on the northeastern perimeter of the Landfill, geophysical logging in those boreholes and in the contaminated wells of my clients to determine depths and orientations of bedrock fractures, sampling for contaminants in the new boreholes, and deployment of pressure transducer data-loggers in select wells and boreholes on H. Foote Road and at the Landfill to measure fluctuation in groundwater level.

- On November 30, 2015, the Board of Health of Sturbridge, MA,[20] convened a meeting to discuss the Charlton contaminations. MassDEP-CERO's Regional Director, Mary Jude Pigsley, spoke at the meeting. Regarding Casella/SRDP's denials of responsibility, she acerbically remarked,

> We have a landfill that has monitoring wells around it that shows those constituents [e.g., 1,4-dioxane], and now we have homes with wells that show those constituents. They've tried to point to other sources. There are no known releases in the area of any of these contaminants except for the landfill. So DEP's assumption going forward is that this is the source.

- On January 29, 2016, having reviewed Casella/SRDP's Landfill expansion plan, as set forth in its MEPA-mandated Final Environmental Impact Report ("FEIR"), EOEEA's Secretary Matthew Beaton ruled that Casella/SRDP had failed to adequately evaluate the environmental impacts of the proposed expansion, and required that Casella/SRDP file a supplemental report. Prominent among the reasons for the Secretary's decision was that Casella/SRDP had virtually ignored the implications of the Charlton contaminations in its FEIR—as the Secretary remarked,

> The FEIR did not include information to address the investigation of the groundwater under and around the landfill to identify the source and extent of contamination nor identify that the landfill recently became regulated under M.G.L. c. 21E as a site at or from which a release of hazardous materials has occurred.

[20] Sturbridge is situated to the west of the Landfill.

My clients, evidently like MassDEP and EOEEA, have not been swayed by Casella/SRDP's determined efforts at minimizing and misrepresenting the facts concerning the Landfill's contamination. Nor are they impressed by Casella/SRDP's current groundwater investigation, an investigation designed and implemented by the same partial consultants who have propagated false and misleading information concerning the Landfill's groundwater contamination and flow to date.

There is no question that the Landfill's contamination of my clients' wells with toxic chemicals and metals gives rise to RCRA liability under 42 U.S.C. § 6972(a)(1)(B). Solid or hazardous waste "may present an imminent and substantial endangerment to health or the environment" within the meaning of the statute when it raises "a reasonable prospect that a serious, near-term threat to human health or the environment exists." Maine People's Alliance and NRDC v. Mallinckrodt, Inc., 471 F.3d 277, 279 (1st Cir. 2006). It is not the harm itself that must be near-term, but the threat of harm. "For example, if there is a reasonable prospect that a carcinogen released into the environment today may cause cancer twenty years hence, the threat is near-term even though the perceived harm will only occur in the distant future." Id. at 279 n.1. *See also* id. at 296; Dague v. Burlington, 935 F.2d 1343, 1355-1356 (2nd Cir. 1991). The Landfill's groundwater pollution would thus implicate 42 U.S.C. § 6972(a)(1)(B), and furnish each of my clients standing to sue Casella/SRDP for creating a threat to their health, even if none of their wells were yet contaminated. Meanwhile, Casella/SRDP's insult to the environment—the Landfill is surrounded by wetlands, into which Casella/SRDP concedes that its pollutants flow[21]—is another basis of liability under 42 U.S.C. § 6972(a)(1)(B). *See, e.g.*, Dague, *supra* at 1356 (imminent and substantial endangerment presented by landfill's pollution of adjoining wetlands with toxic chemicals); Aiello v. Town of Brookhaven, 136 F. Supp. 2d 81, 114-117 (E.D.N.Y. 2001) (imminent and substantial endangerment presented by landfill's pollution of pond with ammonia and iron).

In their forthcoming lawsuit, as remedies for Casella/SRDP's RCRA violations, my clients will seek various injunctive relief, including but not limited to a permanent injunction against further operation of the Landfill, and an order that Casella/SRDP take all necessary measures to fully remediate and prevent the Landfill's groundwater pollution. *See* Mallinckrodt, *supra* at 297 (remediation of environmental hazards is the favored RCRA remedy). In addition, my clients will seek their attorney fees and costs. *See* 42 U.S.C. § 6972(e).

The Landfill's groundwater contamination also gives rise to numerous state law damages claims. My clients will attach to their RCRA claim against Casella/SRDP a claim for property damage under M.G.L. c. 21E, § 5(a),[22] as well as common law claims including nuisance (public and private), trespass, and negligence. It is already apparent that my clients' properties have suffered severe diminution in value as a result of the Landfill's pollution—

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[21] In his aforementioned November 2012 report (p. 6 *supra*), Tighe & Bond's Jeffery Thelen opined that the Landfill's pollutants, to the degree carried by overburden groundwater, would likely flow to the wetlands surrounding the Landfill.

[22] As under RCRA, my clients will seek costs and attorney fees under their c. 21E property damage claim. *See* M.G.L. c. 21E, § 15.

several of them have had their homes on the market since the time that the contaminations were publicized in October of 2015, and their realtors have informed them that prospective buyers are no longer even interested in looking at properties in the neighborhood. Of course, it is not merely the contaminated homes that have been diminished as a result of the contaminations, but the entire area. The law recognizes this reality, and will afford compensation to all of my clients whose homes have lost value—or, whose enjoyment of their property has been diminished—because of their proximity to the contaminants. *See* Lewis v. General Elec. Co., 37 F. Supp. 2d 55, 60-61 (D. Mass. 1999); Lewis v. General Elec. Co., 254 F. Supp. 2d 205, 217-218 (D. Mass. 2003). Even were the contamination remediated, a compensable stigma would remain. *See* Bisson v. Eck, 40 Mass. App. Ct. 942, 943 (1996) (noting that nothing in Massachusetts law precludes damages for property stigmatized by past pollution).

Lastly, aside from the groundwater contamination issue, the Landfill has been polluting my clients' properties with odor and noise. These conditions have become particularly disturbing in recent years. Nauseating odors from the Landfill regularly envelop my clients' homes, preventing them from enjoying their yards or decks or even opening their windows in the warm weather months. The Landfill's egregious noise, meanwhile—the incessant sound of heavy vehicles banging and beeping; the periodic firing of bird cannons—carries on from dawn until dusk, depriving my clients of the quiet enjoyment of their properties. My clients will not tolerate these conditions any longer. Their lawsuit will include claims against Casella/SRDP for public and private nuisance, as well as negligence, based on odor and noise. My clients will seek an order that Casella/SRDP take all necessary measures to prevent such pollution, including permanent closure of the Landfill. My clients will also seek damages to compensate them for the diminution of their property values, and for the loss of use and enjoyment of their properties, that the pollution has caused them. Additionally, Casella/SRDP's failure to invest in necessary odor and noise control measures will support a claim for unjust enrichment. *See* Branch v. Mobil Oil Co., 778 F. Supp. 35, 35-36 (W.D. Okla. 1991) (validating unjust enrichment claim, and corresponding restitutionary remedy, in case where defendant chose to pollute neighbor's property rather than invest in necessary measures to prevent pollution).

Pursuant to 42 U.S.C. § 6972(b)(2)(A), plaintiffs must normally wait ninety days from the delivery of their Notice of Intent to Sue before filing suit under the imminent and substantial endangerment provision of RCRA. However, in a case involving hazardous waste pollution, the ninety-day waiting period will not apply. *See* id.; Aiello v. Town of Brookhaven, *supra*, 136 F. Supp. 2d at 106-110.

If you wish to avoid litigation, I encourage your counsel to contact me to discuss a resolution to these matters.

Sincerely,

James P. Vander Salm, Esq.

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ADDENDUM A

CLIENT LIST

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Mr. Christian Bousquet E[redacted] B[redacted] (minor) C[redacted] B[redacted] (minor) 19 Eleanor Lane Charlton, MA 01507 tel. 508-641-3547	Mr. Brian Breen Ms. Diane Breen Ky[redacted] B[redacted] (minor) Ke[redacted] B[redacted] (minor) Ka[redacted] B[redacted] (minor) 82 H. Foote Road Charlton, MA 01507 tel. 508-248-3074	Mr. Jayme Burdett Ms. Clare Burdett A[redacted] B[redacted] (minor) M[redacted] B[redacted] (minor) 34 H. Foote Road Charlton, MA 01507 tel. 508-248-9002
Ms. Ann Burns Mr. Richard Burns 81 H. Foote Road Charlton, MA 01507 tel. 508-248-3618	Ms. Celeste Carlson Mr. David Carlson 77 H. Foote Road Charlton, MA 01507 tel. 508-248-1560	Mr. Christopher Carpenter Ms. Melissa Carpenter [redacted] (minor) [redacted] (minor) [redacted] (minor) 66 Ten Schoolhouse Road Charlton, MA 01507 tel. 508-248-3882
Mr. Stephen Coleman Ms. Lynn Coleman L[redacted] C[redacted] (minor) I[redacted] C[redacted] (minor) 150 Berry Corner Road Charlton, MA 01507 tel. 508-248-6907	Ms. Lisa Courchaine Mr. Derek Courchaine A[redacted] C[redacted] (minor) 13 Eleanor Lane Charlton, MA 01507 tel. 508-320-6114	Mr. Ernest Courville Ms. Theresa Courville 65 Ten Schoolhouse Road Charlton, MA 01507 tel. 508-248-9614
Mr. Todd Cumming Ms. Elizabeth Cumming C[redacted] C[redacted] (minor) A[redacted] C[redacted] (minor) 21 Eleanor Lane Charlton, MA 01507 tel. 508-434-0336	Mr. Paul Daoust Ms. Debra Daoust B[redacted] D[redacted] (minor) 49 H. Foote Road Charlton, MA 01507 tel. 508-479-2557	Mr. Wilfrid Gallien Ms. Wendy Gallien J[redacted] G[redacted] (minor) T[redacted] G[redacted] (minor) 74 H. Foote Road Charlton, MA 01507 tel. 508-344-9638
Ms. Sarah Gervais 161 Berry Corner Road Charlton, MA 01507 tel. 508-248-6764	Mr. Robert Jay Hogan Ms. Barbara Hogan 95 H. Foote Road Charlton, MA 01507 tel. 508-248-0606	Mr. Kevin Jadin Ms. Melissa Jadin 185 Berry Corner Road Charlton, MA 01507 tel. 508-344-0195

Mr. John Jordan Ms. Sharon Jordan C[redacted] J[redacted](minor) 68 H. Foote Road Charlton, MA 01507 tel. 508-498-8744	Ms. Kathy Joy Mr. Kenneth Joy 135 Berry Corner Road Charlton, MA 01507 tel. 508-248-6460	Mr. Dirk Lodder Ms. Laura Lodder 148 Berry Corner Road Charlton, MA 01507 tel. 508-414-1720
Mr. John Mahan Ms. Sarah Newton S[redacted] M[redacted] (minor) M[redacted] M[redacted] (minor) 54 H. Foote Road Charlton, MA 01507 tel. 508-434-0155	Ms. Ramona Mancini Mr. George Mancini 11 Eleanor Lane Charlton, MA 01507 tel. 401-338-9517	Ms. Heather Mariacher 149 Berry Corner Road Charlton, MA 01507 tel. 508-434-0749
Ms. Donna Marshall Mr. Michael Marshall 59 H. Foote Road Charlton, MA 01507 tel. 508-248-5115	Mr. Stephen Metras Ms. Joan Metras 73 H. Foote Road Charlton, MA 01507 tel. 508-248-4623	Ms. Jennifer Moberg Mr. Scott Moberg J[redacted] M[redacted] (minor) J[redacted] M[redacted] (minor) 94 H. Foote Road Charlton, MA 01507 tel. 508-248-9078
Ms. Alice Murphy Ms. Kelly Murphy 14 Eleanor Lane Charlton, MA 01507 tel. 508-579-5191	Mr. Richard Nugent 90 H. Foote Road Charlton, MA 01507 tel. 508-479-3024	Mr. Michael O'Neill Ms. Shalyn O'Neill B[redacted] O[redacted] (minor) J[redacted] O[redacted] (minor) 18 Eleanor Lane Charlton, MA 01507 tel. 508-612-9954
Ms. Jessica Perry 102 H. Foote Road Charlton, MA 01507 tel. 774-280-2900	Ms. Jennifer Rapoza Mr. John Rapoza [redacted] (minor) [redacted] (minor) 17 Eleanor Lane Charlton, MA 01507 tel. 508-434-0340	Mr. Kenneth Rauktis Ms. Ellen Rauktis 98 H. Foote Road Charlton, MA 01507 tel. 508-248-3363
Mr. Darrick Roe Ms. Sara Roe D[redacted] R[redacted] (minor) 70 H. Foote Road Charlton, MA 01507 tel. 508-400-7966	Mr. Christopher Shaw Ms. Lauren Shaw A[redacted] S[redacted] (minor) R[redacted] S[redacted] (minor) B[redacted] S[redacted] (minor) 58 H. Foote Road Charlton, MA 01507 tel. 508-887-3216	Mr. Edward Skowron Ms. Joanne Skowron 117 Berry Corner Road Charlton, MA 01507 tel. 508-248-5925

Mr. Daniel Stern Ms. Catherine Stern N[redacted] S[redacted] (minor) M[redacted] S[redacted] (minor) 5 Eleanor Lane Charlton, MA 01507 tel. 774-487-2105	Mr. Kevin Weldon Ms. Cynthia Weldon 66 H. Foote Road Charlton, MA 01507 tel. 508-248-9958	Ms. Sherri Westbury Mr. Joseph Westbury A[redacted] W[redacted] (minor) R[redacted] W[redacted] (minor) 181 Berry Corner Road Charlton, MA 01507 tel. 508-868-6476
Ms. Laurie Zanca 86 H. Foote Road Charlton, MA 01507 tel. 508-434-0262		

ADDENDUM B

CLIENT WELLS WITH VOCs DETECTED, SEPTEMBER 2014 THROUGH FEBRUARY 2016

	Address	Name	Contaminants (year detected)
1	34 H. Foote Road	Burdett	toluene (2016)
2	58 H. Foote Road	Shaw	1,4-dioxane, TCE, 1,1-DCE, 1,1-DCA, cis-1,2-DCE, chlorobenzene (all in both 2015 and 2016)
3	65 H. Foote Road	Bialy	1,4-dioxane, TCE, 1,1-DCE, 1,1-DCA, cis-1,2-DCE, chlorobenzene (all in both 2015 and 2016)
4	66 H. Foote Road	Weldon	1,4-dioxane (2015), toluene (2016), naphthalene (2016)
5	68 H. Foote Road	Jordan	1,4-dioxane (2014)
6	70 H. Foote Road	Roe	1,4-dioxane (2014, 2015)
7	73 H. Foote Road	Metras	1,4-dioxane (2015), chloroform (2015, 2016)
8	74 H. Foote Road	Gallien	1,4-dioxane (2014, 2015, 2016)
9	75 H. Foote Road	Bergstrom	1,4-dioxane (2014, 2015), TCE, 1,1-DCE, 1,1-DCA, cis-1,2-DCE, chlorobenzene (all in 2014), chloroform (2015, 2016)
10	77 H. Foote Road	Carlson	1,4-dioxane (2015), 1,1-DCA (2015)
11	81 H. Foote Road	Burns	1,4-dioxane, TCE, 1,1-DCE, 1,1-DCA, cis-1,2-DCE, chlorobenzene (all in 2015)
12	86 H. Foote Road	Zanca	1,4-dioxane (2014, 2015), toluene (2015)
13	90 H. Foote Road	Nugent	1,4-dioxane, TCE, 1,1-DCE, 1,1-DCA, cis-1,2-DCE, chlorobenzene (all in both 2015 and 2016)
14	95 H. Foote Road	Hogan	1,4-dioxane (2015)
15	135 Berry Corner Road	Joy	chloromethane (2015)
16	148 Berry Corner Road	Lodder	1,4-dioxane (2016)
17	149 Berry Corner Road	Mariacher	1,4-dioxane (2015, 2016)
18	161 Berry Corner Road	Gervais	1,4-dioxane (2014)
19	13 Eleanor Lane	Courchaine	1,4-dioxane (2015)
20	17 Eleanor Lane	Rapoza	chloroform (2015)
21	18 Eleanor Lane	O'Neill	benzene, toluene (2015)